

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. v. Kassie Leigh Swain

Docket No. 7:13-CR-59-2BO

Petition for Action on Probation

COMES NOW Lakesha H. Wright, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kassie Leigh Swain, who, upon an earlier plea of guilty to Conspiracy to Possess With the Intent to Distribute and Distribute a Quantity of Heroin, in violation of 21 U.S.C. § 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 2, 2013, to 5 years probation under the conditions adopted by the court.

On March 6, 2015, a Violation Report was filed advising that a urine specimen collected from the defendant on January 21, 2015, tested positive for marijuana. On March 7, 2015, the court continued the defendant on probation under the conditions previously imposed.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On May 16, 2015, the Dare County Sheriff's Office in Manteo, North Carolina, and emergency medical technicians received a call regarding an individual suffering from a possible seizure in Wanchese, North Carolina. Upon their arrival, they encountered the defendant who was unresponsive inside of a vehicle with her sister, Ashley Frees. As Swain regained consciousness, she stated to the deputy that she had used heroin and that she had "screwed up, all over trying to get a 30-second high." A subsequent search of the vehicle in which the defendant and her sister were seated, resulted in the recovery of a syringe which the defendant's sister accepted ownership. Swain's sister also admitted to the deputy that she (Frees) had brought heroin with her to the location. The defendant was ultimately transported to the hospital where she again acknowledged her use of heroin to medical staff and where it was determined that she had suffered from an accidental heroin overdose. On June 10, 2015, when confronted by the probation officer about the circumstances of May 16, 2015, Swain contended that she did not use heroin, but had suffered a seizure. She also advised that she did not recall stating to the deputy or medical personnel that she had used heroin. As a sanction for the defendant's conduct, we are respectfully recommending that she be placed on the home detention program for a period of 60 days and that she be allowed to continue her participation in substance abuse treatment. Although Swain denies using heroin, she signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home incarceration program for a period not to exceed 60 consecutive days. The defendant shall be restricted to residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Kassi Leigh Swain
Docket No. 7:13-CR-59-2BO
Petition For Action
Page 2

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

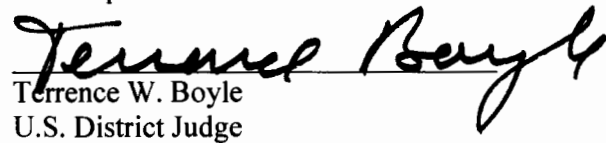
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Lakesha H. Wright
Lakesha H. Wright
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-830-2348
Executed On: June 22, 2015

ORDER OF THE COURT

Considered and ordered this 22 day of June, 2015 and ordered filed and
made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge